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09/997,912	11/30/2001	Anthony J. Dezonno	6065-83802	4715

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EXAMINER	
WONG, BLANCHE	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/997,912	DEZONNO ET AL.	
	Examiner	Art Unit	
	Blanche Wong	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *May 22, 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 22, 2007 have been fully considered but they are not persuasive.

Applicant states that in the claimed invention, "a plurality of network interfaces are coupled between the agent telephone system multiplexer and the ACD." Amendment, p.8, para. 5 – p.9, para. 1. However, Examiner respectfully disagrees.

If Applicant is arguing that the plurality of network interfaces is coupled between the *agent telephone system* multiplexer *and the ACD*, such a limitation is not recited in the claims (with emphasis).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the plurality of network interfaces is coupled between the agent telephone system multiplexer and the ACD) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

If Applicant is arguing that the plurality of network interfaces is coupled between the switch multiplexer and the ACD, such a limitation is not recited in the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the plurality of network interfaces is coupled between the switch multiplexer and

the ACD) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

If Applicant is arguing that each of the plurality of network interfaces is coupled to one of the plurality of input lines of the switch multiplexer and ACD, such a limitation is not recited in the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., each of the plurality of network interfaces is coupled between one of the plurality of input lines of the switch multiplexer and the ACD) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

If Applicant is arguing that each of the plurality of network interfaces is coupled to one of the plurality of input lines of the switch multiplexer and one of the plurality of communication networks, such a limitation is not recited in the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., each of the plurality of network interfaces is coupled to one of the plurality of input lines of the switch multiplexer and one of the plurality of communication networks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant states that "an agent telephone system coupled to the ACD." Amendment, para. 9, para. 2. However, Examiner respectfully disagrees.

If Applicant is arguing that an agent telephone system is coupled to the ACD, such a limitation is not recited in the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an agent telephone system is coupled to the ACD) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

If Applicant is arguing that an agent telephone system is coupled to the ACD through the plurality of communication networks, such a limitation is not recited in the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an agent telephone system is coupled to the ACD through the plurality of communication networks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Objections

2. Claims 13 and 23 are objected to because of the following informalities:

With regard to claim 13, Examiner suggests including pertinent information in the preamble in the body of the claim. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

With regard to claim 13, line 13, Examiner suggests removing "configured to" to make the limitation more positive. Examiner further suggests replacing "operatively couple" with "operatively coupled with" in consistent with other "operatively coupled" found in the claim language to provide structure among the components within the agent telephone system.

With regard to claim 23, line 10, Examiner suggests replacing "proving" with "providing" to correct the typographical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 13-33** are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The selection of a second/alternate communication network is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claims 13 and 23 recite "... network interface ... configured to operatively couple a selected one of the plurality of communication networks ... [a microprocessor issues] a control signal to the switch multiplexer to route the disconnected incoming telephone call through a second communication network.... ". However, according to Specification, p.9, para. 3, "the ACD 16 will automatically reconnect and re-route the "disconnected" incoming telephone call over an alternate communication network, and the agent telephone 32 will accept the network telephone call as a reconnection of the previously disconnected communication. This assumes the ACD 16 will immediately reroute the disconnected telephone call to the agent telephone system 32 over another communication network 54 before routing a different or new incoming telephone call to the agent."

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 13-33** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 13-21, it is unclear whether the ACD or the agent telephone system is doing the selection.

With regard to claim 13, line 18, it is unclear what is meant from the automatic call distributor in "a plurality of network interfaces ... configured to operatively couple a selected one of the plurality of communication networks from the automatic call distributor to a corresponding input line of the multiplexer" because the plurality of communication networks are between the ACD and the agent telephone system.

With regard to claim 13, line 18, it is unclear what is meant by "selected", that is, what apparatus selects or how a method selects.

With regard to claim 13, line 19, it is unclear what is meant by "corresponding", that is, corresponding according to what.

With regard to claim 13, line 20, it is unclear whether "the caller" is the caller of the "incoming telephone call" in the preamble and in line 24.

With regard to claim 13, line 24, it is unclear whether the incoming telephone call is from the external switch in the preamble or from the ACD.

With regard to claim 13, line 26, it is unclear why the communication is "reestablish" when communication was not established. "To permit communication" in lines 19-20, is not the same as to establish communication.

With regard to claims 14 and 15, it is unclear how many are selected from the group or all.

With regard to claim 23, lines 8-9, it is unclear what is meant "operatively coupling to the microprocessor to a memory", that is, operatively coupling something to the microprocessor or operatively coupling microprocessor to a memory.

With regard to claim 23, line 16, it is unclear what is meant by "selected", that is, what apparatus selects or how a method selects.

With regard to claim 23, line 17, it is unclear what is meant by "corresponding", that is, corresponding according to what.

With regard to claim 23, line 18, it is unclear whether "the caller" is the caller of the "incoming telephone call" in the preamble and in line 20.

With regard to claim 23, line 20, it is unclear whether the incoming telephone call is from the external switch in the preamble or from the ACD.

With regard to claim 23, line 23, it is unclear why the communication is "reestablish" when communication was not established. "To permit communication" in line 18, is not the same as to establish communication.

With regard to claims 24 and 25, it is unclear how many are selected from the group or all.

7. There is insufficient antecedent basis for this limitation in the claim.

Claim 23, line 21, "the agent telephone".

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 13-17,20,23-27,30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck et al. (U.S. Pat No. 6,108,562) in view of Masuhiro (Pub No. US2001/0003522 A1).

With regard to claims 13 and 23, Rydbeck discloses an agent telephone system 100 comprising:

a microprocessor **(controller 160 in Fig. 1, col. 2, line 42)**;

memory 220 **(memory 220 in Fig. 1, col. 3, line 31)** operatively coupled to the microprocessor;

an agent microphone and agent speaker **(earphone 130 and microphone 140 in Fig. 1, col. 2, line 41)** for transmission and reception of audio information, respectively;

a conversion device **(interface 230 in Fig. 1, col. 2, line 43)** operatively coupled to the agent microphone and the agent speaker, and operatively coupled to the microprocessor;

an input switch multiplexer **(switch 150 in Fig. 1, col. 2, line 42)** operatively coupled to the microprocessor, the microprocessor configured to control selection **(selects) (the controller 160 determines which communication networks 200 are available, col. 3, line 39-41, ... the controller 160 selects one of the**

communication networks 200 ... via ... the switch 120, col. 3, line 43-47) of one of a plurality of input lines of the switch multiplexer; and

a plurality of network interfaces **(communication modules 120, col. 2, line 44)** configured to operatively couple one of the plurality of communication networks **(AMPS, DAMPS, GSM, other communication networks, 200 in Fig. 1)** to the plurality of input lines of the switch multiplexer so as to permit communication between a caller and an agent **(each [of the communication modules] contains functionality for effectuating communication between the mobile telephone 100 and a respective one of the plurality of communication networks 200, col. 2, ln. 44-48)**.

However, Rydbeck does not expressly teach after detection of a failure of a first communication network through which the incoming telephone call is coupled to the agent telephone system, the disconnected incoming telephone call through a second communication network, the first and second communication networks utilizing different communication protocol.

Masuhiro disclose after detection of a failure **(congested state in IP network, para. [0041])** of a first communication network **(IP network)** through which the incoming telephone call is coupled to the agent telephone system, the disconnected incoming telephone call through a second communication network **(ISDN network) (call connection by returning ... by way of ISDN, para. [0043])**, the first and second communication networks utilizing different communication protocol **(IP and ISDN)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine after detection of a failure of a first communication network through which the incoming telephone call is coupled to the agent telephone system, the disconnected incoming telephone call through a second communication network, the first and second communication networks utilizing different communication protocol as taught by Masuhiro with the agent telephone system in Rydbeck, in order to provide for continuous communication.

With regard to claims 14 and 15, and 24 and 25, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13.

Masuhiro further discloses BRI network and interface **(ISDN 11 in Fig. 1)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a BRI network and interface as taught by Masuhiro with the agent telephone system in Rydbeck, in order to provide for ISDN communication.

With regard to claims 16 and 26, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13.

Masuhiro further discloses a packet-switched based network **(IP network 10 in Fig. 1)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a packet-switched based network as taught by Masuhiro with

the agent telephone system in Rydbeck, in order to provide for IP/packet-switched communication.

With regard to claims 17 and 27, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13.

Masuhiro further discloses a circuit-switched based network **(ISDN 11 in Fig. 1)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a circuit-switched based network as taught by Masuhiro with the agent telephone system in Rydbeck, in order to provide for circuit-switched communication.

With regard to claims 20 and 30, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13.

Masuhiro further discloses the first **(IP)** and second **(ISDN)** communication networks utilizing different communication protocol.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine different communication protocol as taught by Masuhiro with the agent telephone system in Rydbeck, in order to provide for different and backup communication.

With regard to cl. 31, Rydbeck further discloses a display operatively coupled to the microprocessor **(a personal computer, col. 3, ln. 55)**.

10. **Claims 18 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Arndt et al. (Pat No. 6,707,820).

With regard to claims 18 and 28, the combination of Rudbeck and Masuhiro discloses the agent telephone system according to claim 13. However, the combination does not expressly teach a link status indication.

Arndt discloses a link status indication **(link status messages are transmitted between nodes to provide a mechanism to detect link failures in the network, col. 16, lines 36-38)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a link status indication as taught in Arndt in Rydbeck and Masuhiro to detect link failures in a network.

11. **Claims 19 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Border et al. (Pub. No. US2002/0133596).

With regard to claims 19 and 29, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13. However, the combination does not expressly teach a keep alive indication.

Border discloses a keep-alive indication **(keep alive timeout to detect failures, para. [0052])**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a keep-alive indication as taught in Border in Rydbeck and Masuhiro to detect link failures in a network.

12. **Claims 21 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Pogossiants et al. (Pub No. US2006/0034262 A1).

With regard to claim 21, the combination of Rydbeck and Masuhiro discloses the agent telephone system of claim 13. However, the combination does not expressly teach a computer having a sound card configured to digitize voice communication.

Pogossiants discloses **(para. [0091])** a computer **(agent computer 602)** having a sound card **(sound card installed within computer 602)** configured to digitize voice communication **(allows telephone to be used ... as ... an IP telephone)**.

At the time of the invention, it would have been obvious to include a computer having a sound card configured to digitize voice communication as taught in Pogossiants in Rydbeck and Masuhiro to enable telephone to be used as an IP telephone. Pogossiants, para. [0091].

13. **Claims 22 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck and Masuhiro, and further in view of Myer et al. (Pub No. US2002/0181670).

With regard to claims 22 and 33, the combination of Rydbeck and Masuhiro discloses the agent telephone system according to claim 13. However, the combination does not expressly teach a computer having a USB circuit configured to facilitate transmission and reception of serial dial.

Myer discloses **(para. [0159])** a computer **(computer terminal 406)** having a USB circuit **(USB connection 404)** configured to facilitate transmission and reception of serial dial **(Telephone handset 402 is connected to computer terminal via USB connection. A call is placed from telephone handset to telephone handset via H.323 gatekeeper...)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a computer having a USB circuit configured to facilitate transmission and reception of serial dial as taught in Myer in Rydbeck and Masuhiro enable transmission and reception of serial data.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BW

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August 2, 2007

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